

## ADDITIONAL JUDGE IN THE DISTRICT OF MINNESOTA

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FEBRUARY 20, 1925.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

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Mr. GRAHAM, from the Committee on the Judiciary, submitted the following

### REPORT

[To accompany H. R. 12343]

The Committee on the Judiciary to whom was referred the bill H. R. 12343, after hearing and consideration report favorably thereon with an amendment, and recommend that the bill as amended do pass.

The committee amendment is as follows:

Strike out all after the enacting clause and insert the following:

That the President of the United States be, and he is hereby, authorized and directed, by and with the advice and consent of the Senate, to appoint a judge to fill a vacancy created in the district court of the United States for the district of Minnesota, occasioned by the death of Hon. John F. McGee, who was appointed as an additional judge in said district under the provisions of the act of Congress entitled "An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes, approved September 14, 1922."

SEC. 2. A vacancy occurring more than two years after the passage of this act in the office of the district judge appointed pursuant to this act shall not be filled unless Congress shall so provide.

SEC. 3. The judge appointed hereunder shall reside in said district and his compensation and powers shall be the same as now provided by law for the judge of said district.

SEC. 4. That this act shall take effect immediately.

There is printed herewith as a part of this report a communication received from the Chief Justice of the United States which shows the necessity for immediate enactment of this legislation. There is also printed a telegram received from the two district judges urging the appointment of an additional judge, together with a letter from the Assistant Attorney General.

SUPREME COURT OF THE UNITED STATES,  
Washington, D. C., February 19, 1925.

MY DEAR MR. GRAHAM: I inclose herewith a letter from William D. Mitchell, of St. Paul, to Mr. Justice Butler. Mitchell is a son of Chief Justice Mitchell, of the Supreme Court of Minnesota, and one of the leading members of the bar, and was a partner of Mr. Justice Butler before Mr. Butler came to this court. I send this to you apropos of the necessity for immediate provision for the appointment of a judge to succeed Judge McGee, who recently committed suicide.

Sincerely yours,

WM. H. TAFT

Hon. GEORGE S. GRAHAM,  
Chairman Committee on the Judiciary,  
House of Representatives, Washington, D. C.

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EXCERPT OF A LETTER OF FEBRUARY 16, 1925, FROM WILLIAM D. MITCHELL, ESQ.  
OF ST. PAUL, TO PIERCE BUTLER

There is no provision for the appointment of a successor to Judge McGee, which will leave us with only two district judges, one of whom, Judge Booth, spends much of his time on the court of appeals. This is a very unfortunate situation. We really should have four district judges in the district. Three are unable to do the work. The equity calendar is far behind and we have a number of important equity cases in the office which the court has been unable to hear and which have been pending for months. A large part of each term is given up to the trial of prosecutions under the Volstead Act and other criminal cases. When these are disposed of the court takes up law cases for trial by jury, and the calendar of law cases has been crowded and is steadily increasing in size. By the time the liquor cases and law cases are disposed of, the judge or judges at the term are required to rush off to some other division where another term is opened, and repeat the process. The result is that equity cases are not taken care of, notwithstanding in importance they outweigh law cases. I appreciate the fact that it is necessary for the judges to clean up the criminal calendars each term, otherwise the administration of criminal laws would reach a deplorable state. The prospect of having the number of our district judges now reduced to two is not encouraging. If we are right in our view that the office held by Judge McGee no longer exists, I hope a bill may be introduced and rushed through Congress at the present session providing for a third judge in the district. I have written a letter to the Solicitor General on the subject, a copy of which is inclosed.

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MINNEAPOLIS, MINN., February 18, 1925.

Hon. O. J. LARSON,  
House of Representatives, Washington, D. C.:

Business of Federal court in this district more than three judges can care for. Death of Judge McGee leaves two only and makes imperative that additional judge be provided if increasing and important work of district is to be dispatched. Letter follows:

W. F. BOOTH.  
WM. A. CANT.

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DEPARTMENT OF JUSTICE,  
Washington, D. C., February 19, 1925.

Hon. W. H. NEWTON,  
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: By direction of the Attorney General, and in accordance with the informal request made through Mr. Martin of this department, there is transmitted herewith a statement pertaining to the judicial business in the district of Minnesota, showing the various classes of cases and other proceedings commenced, terminated, and pending for the fiscal year 1924, and also separately for the period from July 1, 1924, to January 31, 1925.

I hope that this information will be found satisfactory and useful.

Respectfully,

RUSH L. HOLLAND,  
Assistant Attorney General

*Judicial business, district of Minnesota*

	Com- menced	Termi- nated	Pending close of year
<i>Fiscal year 1924</i>			
United States civil cases.....	316	151	355
United States criminal cases.....	1,180	1,624	406
Private suits.....	464	851	708
Bankruptcy proceedings.....	1,780	1,452	1,566
Total.....	3,740	4,078	3,035
<i>July 1, 1924, to January 31, 1925</i>			
United States civil cases.....	140	133	369
United States criminal cases.....	707	692	430
Private suits.....	256	394	508
Bankruptcy proceedings.....	1,015	808	1,453
Total.....	2,118	2,027	2,760

